



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

P.O. BOX 827
CARLISLE, MA 01741
(978) 369-9702

MINUTES May 24, 1999

Notice of filing of Conservation Cluster and Common Driveway Special Permit applications for 662 West Street, Map 6, parcel 63 (Chris Fleming, applicant), and assignment to review engineer

Discussion of organization of 1999-2000 Board

Request for approval of building construction on Lots 1 and 2 of Pine Meadow Definitive Subdivision Plan prior to Nov. 15, 2000, as specified in condition #1 of Certificate of Approval

Public Hearing: Wheeler Lane Definitive Subdivision Plan (off Kimball Road), Map 29, Parcels 6-28B, 6-39, 6-D and 7-C. (Petition of John Swanson and Tall Pines Realty Trust)

Review of Preliminary Subdivision Plan for Deer Creek Estates (a.k.a. Hunters Run) Map 25, Parcel 15 (off Nickles Lane and Oak Knoll Road). [Application of Robert and Jean Kydd]

Review of Preliminary Subdivision Plan for Hart Farm Estates, off Curve Street, map 28, parcels 6, 7A, 11 and 12 (Paul and Helen Hart, applicants)

Interim Chair Tice called the meeting to order at 7:35 p.m. Members Abend, Epstein, Hara, Holzman, Lane and Reid were present. Planning Administrator George Mansfield was also present as well as *Mosquito* reporter David Ives.

Tice welcomed newly elected Board members Louise Hara and Tom Lane.

The minutes of May 10, 1999 were reviewed and Reid moved to approve these minutes as drafted. Abend seconded the motion and it carried 5-0-2 with Hara and Lane abstaining.

The bills were circulated and Mansfield noted that an invoice for the *Planning Commissioners Journal* was included. He circulated a sample copy of this journal and suggested that the Board review it in order to decide if it would be worthwhile to subscribe to. Epstein asked if there is money in the account to cover the bills for Tall Pines and Pine Meadow. Mansfield explained that there are sufficient funds in the project review account for Pine Meadow, and for Tall Pines the bills are approved and then forwarded to Mr. Costello for payment.

Tice stated that the budget looks good. Mansfield noted that some individual accounts show a negative balance, but because money may be transferred between the accounts, the bottom line is of most significance. Epstein asked that a more detailed review of the budget process be planned for a future meeting.

Notice of filing of Conservation Cluster and Common Driveway Special Permit applications for 662 West Street, Map 6, parcel 63 (Chris Fleming, applicant), and assignment to review engineer

Mansfield explained that he thought this plan would be filed today, but it was not. The Board agreed to assign LandTech as the review engineer when the plan is filed. Hara asked if there is any documented information on the three engineering firms. Mansfield noted there is substantial information in the Planning Board office and Hara agreed to stop by to review it.

The applicant, Chris Fleming, was present at the end of tonight's meeting and at 11:15 p.m. he came before the Board to review the history of the plan for the benefit of new Board members. He explained that on November 23, 1998 he presented an informal conceptual plan prepared by Joe March of Stamski and McNary. The property would be developed as a five-lot conservation cluster preserving 6 acres in the back which would abut the Pannell property. He had not approached the neighbors regarding possible shared use of the existing common driveway, because the property recently changed ownership. He agreed to speak with them soon and then he invited PB members to call him anytime regarding a site walk on the property.

Discussion of organization of 1999-2000 Board

Tice asked Board members to review officer and liaison positions and to be prepared to discuss preferences and to vote at the next meeting.

The Board then discussed a schedule for summer meetings as proposed by the PA. Mansfield chose the following dates to coincide with *Mosquito* publishing dates for required hearing notices: June 14th and 28th, July 19th, August 2nd and 16th, September 13th and 27th. There were no conflicts with the July 19th date, but two Board members said they would not be able to attend on June 28th and three Board members had a conflict with August 16th. The remaining dates each had one conflict. Attempts at rearranging the schedule created more conflicts so the Board decided to work with the schedule as proposed by Mansfield.

Request for approval of building construction on Lots 1 and 2 of Pine Meadow Definitive Subdivision Plan prior to Nov. 15, 2000, as specified in condition #1 of Certificate of Approval

Abend stated that the Municipal Land Committee did not wish to release these lots earlier than specified in the Certificate of Approval. Abend then moved to draft a letter to Mr. Costello indicating that at this time the general sentiment is that the Town does not wish to release the lots prior to November 15, 2000, but with a more concrete proposal the issue might be reconsidered in the future. Epstein seconded the motion and it carried 7-0. Epstein agreed to review the PA's draft of the letter.

Public Hearing: Wheeler Lane Definitive Subdivision Plan (off Kimball Road), Map 29, Parcels 6-28B, 6-39, 6-D and 7-C. (Petition of John Swanson and Tall Pines Realty Trust)

Joe March of Stamski and McNary and attorney Richard Gallogly of Rackemann, Sawyer and Brewster were present to represent the applicant. Sandra Brock of Judith Nitsch Engineering was present as the Planning Board's review engineer. Michael Brophy of 1158 Curve Street was also present.

March explained that the green cards had been received, but had been left at the office inadvertently. Reid moved to waive the requirement of presenting the green cards for the purpose of opening the public hearing, but requested that they be presented to the Planning Board as soon as possible. Abend seconded and the Board approved the motion 6-1 with Epstein opposed.

For the benefit of the newly elected Board members, March explained that the proposed subdivision is at the corner of Curve and Fiske Streets. Two new house lots will be created with frontage on Wheeler Lane. Two additional lots currently exist within the Tall Pines Subdivision and have been slightly reconfigured to obtain their frontage from the new subdivision road.

March noted that five waivers will be requested: 1) The pavement width of the roadway will be reduced from 20-ft. to 18-ft., 2) the radius of the cul-de-sac will be 50-ft., 3) the roadway shall not have a pedestrian/bike path, 4) a traffic study will not be conducted and 5) a landscaping plan shall only be provided for the cul-de-sac/detention basin.

March had received a copy of the review letter from Judith Nitsch Engineering dated 5/11/99 and said he was able to respond to all comments. He presented revised plans dated 5/24/99, which incorporated changes made in response to these comments. The Nitsch letter was reviewed item by item and March explained or showed how each item had been addressed.

Regarding the roadway, Epstein asked if Kimball Road is already completed. March thought that the final wearing coat had not yet been applied. Epstein suggested that it might be preferable to wait until Wheeler Lane is completed before the final layer is applied.

In a memo to the PB dated 5/20/99, the Fire Chief stated that the existing fire cistern is too far away from the new homes and an additional cistern is needed. March expressed frustration at this because he said he spoke with Koning during the conceptual plan phase of the project and was told the existing cistern would be sufficient. In addition, March pointed to the subdivision rules and regulations, noting that a cistern must be located within 2000-ft. of the furthest house in the subdivision. He measured the existing cistern as being approximately 1800-ft. from the furthest proposed house. Gallogly submitted an excerpt from the Subdivision Rules and Regulations, suggesting that the Board follow the regulations. Mansfield said he spoke with the Fire Chief today and Koning suggested that the actual distance to the nearest cistern should be recorded on the plan. (The Board asked the secretary to make a note for the Subdivision Rules and Regulations file regarding distance to fire cisterns for possible discussion and revision in the future.) The memo from Koning also stated that the name "Wheeler Lane" would be inappropriate because there is a road of a similar name in Concord. Mansfield noted that recently there had been confusion in a mutual aid call because of similarly named roads. March had no objection to changing the name and explained that the names are usually chosen by researching historical records to find the names of families who had lived in the area. He suggested Wilkins Lane.

Item 12 of the Nitsch letter suggested that the cul-de-sac pavement be constructed without a crown. March noted that the rules and regulations require a 3% crown on all roadways. The PB agreed that the two engineers should discuss this issue outside of tonight's meeting.

Item 2 under the "General Comments" section of the Nitsch letter suggested that trees should not be planted within the shoulder of the cul-de-sac because the pavement width is already reduced. March thought that this would provide screening, but Reid suggested that the detention pond would be planted with red maples and therefore would not require screening. Other concerns raised in the Nitsch letter had been handled as suggested.

Epstein asked if the applicant had reviewed Art. III, Sec. 1E regarding an open space requirement. March said this had not been discussed because only two additional lots are being proposed and there is already a conservation restriction on the land. Abend suggested that perhaps a trail easement to Hutchins Road could create a walking loop for residents.

Abend moved to continue the public hearing to 6/14/99 at 8:00 p.m. Reid seconded and the Board approved 7-0.

Review of Preliminary Subdivision Plan for Deer Creek Estates (a.k.a. Hunters Run) Map 25, Parcel 15 (off Nickles Lane and Oak Knoll Road). [Application of Robert and Jean Kydd]

The applicants were present along with their attorney Douglas Hausler of Gallant, Hausler and Lampert, P.C. and their engineer John Boardman of Ross and Associates. The following members of the public were also in attendance: Mike Marchese of Cutters Ridge Road, John Bakewell of Rutland Street, Dave and JoAnne Kelch of Oak Knoll Road, Vivian Chaput of Milne Cove, Karla Johnson and Tom McAndrew of Nickles Lane, John and Kathy Forelli of East Street and Ferris Taylor of Hemlock Hill Road.

Hausler gave a quick introduction to the plan for the benefit of the new Board members and then stated that the main decision to be made is whether or not a through road should be constructed for this subdivision.

Boardman then explained that a definitive subdivision plan entitled Hunters Run had been filed in September 1996. That plan proposed six lots and several different alternatives were discussed. Although the plan required only three waivers, it required substantial cut-and-fill and was denied in July 1997. It is currently in litigation. In October 1998 the Kydds came before the PB to discuss a new plan for this property under the newly revised subdivision rules and regulations. With an additional parcel they showed that the property could support ten lots. Meetings with the abutters indicated that they do not wish to see a through road built in this subdivision. The preliminary subdivision plan filed in March 1999 shows a total of seven lots with three built at the end of Nickles Lane and four on Oak Knoll Road. The lots would be accessed via loop common driveways extending from the cul-de-sacs of the existing roadways.

Hausler noted that since the last meeting with the Board, his office had sent out a letter to all the abutters, but has not received any feedback.

JoAnne Kelch stated that she was pleased with the roadway design, but still concerned about the number of lots on Oak Knoll Road.

Ferris Taylor commended the applicants on their effort to develop the property without a through road, but he also felt that there are too many additional homes proposed on Oak Knoll Road.

Vivian Chaput spoke as a resident and former Planning Board member. She felt strongly that the Board should not allow Oak Knoll Road to be extended. She explained that the current 1000-ft. cul-de-sac limit is based on experience with Oak Knoll Road. She noted that 40 homes are already impacted by only one means of egress and she described an emergency situation in which the roadway was blocked for several days by a fallen pole. She advised that the roadway is already very unsafe and the situation should not be aggravated.

John Bakewell felt that the letter to the abutters expressed frustration with the process and implied that the PB and the applicant share the problem. Bakewell suggested that the PB is not responsible for developing this land and he felt that the applicant should not expect a compromise from the Board. Bakewell also noted that there had already been considerable damage done on the property when perc testing was conducted near a wetland. Finally, he felt it was unfair that the abutters should be burdened with providing evidence for the applicant. Hausler reminded Bakewell that the Board had asked the applicant to meet with the abutters.

Tom McAndrew felt that a plan with no waivers would be bad because of the extensive amount of cut and fill required. He thought that a plan with two cul-de-sacs would be best.

Karla Johnson presented the Board with a copy of the letter to the abutters. She then asked Boardman if a lot from Oak Knoll Road could be moved to Nickles Lane. Boardman responded by noting that the proposed layout works well and that additional soil testing has not been conducted to determine if other lot layouts would be appropriate.

Dave Kelch stated that he would prefer the two cul-de-sac plan, but would like to see a reduction of lots on Oak Knoll Road.

Epstein asked if provisions had been made for fire cisterns and if they would be of benefit to the existing neighborhood. Boardman stated that a 20,000-gal. cistern has been proposed for each cul-de-sac. He noted that the cistern proposed for Oak Knoll Road could be used for other homes on that road as well as for the new homes. The existing cistern on Nickles Lane is adequate for the existing homes there. Epstein asked if any other improvements were planned for the neighborhood, i.e. roadway access at East Street. Boardman said that none are proposed, but he asked that the Planning Board clarify any requests for off site improvements.

Abend felt it was inappropriate to consider the reduction of lots from ten to seven as a compromise when testing has not determined if in fact ten lots would be possible. He was also very concerned that the proposed lots would obtain their frontage from the common driveway.

Epstein asked how long the common driveway was from the end of the existing cul-de-sac to the furthest house on Oak Knoll Road. This was determined to be approximately 540 feet. Boardman then showed that a standard right-of-way would be used for frontage, but that the roadway would be constructed to common driveway standards and remain private. The number of lots on Nickles Lane would increase from 6 to 9 and the roadway would total 1003 feet. On Oak Knoll Road the number of lots would increase from 33 to 37 and the total roadway length was estimated at $\frac{3}{4}$ of a mile.

Holzman asked what would be required to make the common driveways a public way. Boardman said this would likely require substantial blasting and grading. He noted that the common driveway plan was proposed to minimize impact as stated in the subdivision rules and regulations. Holzman still expressed concern over the issue regarding the use of private common driveways and felt that there were too many lots proposed on Oak Knoll Road.

For the benefit of the Board, Mansfield explained that regardless of how the Board voted on the preliminary plan, the applicant has the option to go forward with a definitive subdivision plan. The purpose of the preliminary plan is to give the applicant direction in proceeding.

Hara asked if the large lots could be further subdivided in the future. Boardman suggested that the Board could condition the approval to prevent further subdividing if this is a concern.

Epstein felt that the applicant has acted in good faith with the Board. He suggested that because the Board has two new members it might be appropriate for the applicant to grant an extension and continue this discussion to the next meeting.

Abend moved to approve the preliminary plan with the following conditions: 1) that no right-of-way be extended off of the existing Oak Knoll Road, 2) that fire cisterns be included to provide service to the existing homes on the Oak Knoll Road, 3) that the loop at the end of Nickles Lane be designed as a public road, 4) that a trail easement be provided between the two roads, 5) that there will be no further subdivision of the property. Reid seconded the motion.

Epstein felt that it is important for the Board to provide direction to the applicant to avoid disappointment. He wished that the Board would provide the applicant with helpful guidance. Abend felt that the motion gives the applicant direction. It would not allow loop common driveways and would not allow the right-of-way on Oak Knoll Road to be extended.

After speaking with the applicant, Hausler granted the Board an extension to June 18, 1999.

Reid then moved to **table the motion and discussion until the next meeting.** Hara seconded the motion and it carried 7-0. Continued discussion was scheduled for June 14, 1999 at 8:30 p.m.

Review of Preliminary Subdivision Plan for Hart Farm Estates, off Curve Street, map 28, parcels 6, 7A, 11 and 12 (Paul and Helen Hart, applicants)

The applicant was present along with his lawyer Joseph Shanahan and engineer Joe March of Stamski and McNary. The following members of the public were also in attendance: Piper Lind of Mill Pond, George and Brigitte Senkler of Curve Street and Nancy Lyons of Nathan Lane.

Shanahan noted that since February 1999 the land has been surveyed and found to comprise a total of 116 acres. He explained that in January 1999 a conceptual plan with a forked 1800-ft. cul-de-sac was presented and at that time the Board indicated that a preliminary plan would be considered if the cul-de-sacs were shortened and a maximum of 13 lots were proposed. Shanahan noted that 61 acres will be used for construction and approximately 55 acres would be donated to the Town as parcel X. He noted that the applicant has met with the trails committee and they have asked for trails easements from the end of each cul-de-sac to the adjacent Town owned land. Shanahan added that a meeting with the ConsCom is scheduled for Thursday 5/27/99 to present the revised wetland delineation plan. In conclusion, Shanahan noted that waivers would be required 1) for exceeding the maximum cul-de-sac length, 2) for exceeding the maximum number of lots and 3) for the lack of a 25-ft. radius at the roadway entrance to the property. He assured the Board that the applicant would demonstrate that the turning radius is adequate at this intersection.

George Senkler asked the Board why it was in favor of allowing 13 lots to be developed instead of the maximum of 10 lots. Reid stated that this was not a consensus of the Board, but only suggested as a possibility. Epstein added that on January 25, 1999, Shanahan had threatened the use of a comprehensive permit as an option to develop over 100 lots if the 13 lots were not approved. Shanahan did not feel the option was posed as a threat, but he did say he has had experience with comprehensive permits and with the Local Initiative Program.

Epstein asked if the applicant could provide a copy of the purchase and sales agreement referenced in Shanahan's 2/27/99 letter to Mansfield.

The Board asked about the topography of the land. Shanahan estimated that no more than 10% of parcel X is uplands. Shanahan said the parcel is traversable for trail purposes. Hara, who is also on the Trails Committee, said that she visited the proposed parcel X. She said that the parcel is too wet to support a trail through it. The Trails Committee has proposed a trail to the edge of this parcel for viewing purposes only.

Reid asked if cluster development had been considered as an option. Shanahan said that the applicant envisions developing this land with estate homes and did not consider cluster development seriously. March explained that a conservation cluster requires frontage on an existing road and this is not available on this site. Chaput stated that she was involved in drafting the conservation cluster bylaw and she did not think that such a frontage requirement was intended. She thought this should be reviewed. Abend suggested that a subdivision road could be constructed first, and then a conservation cluster.

Brigitte Senkler expressed concern over the level parcel and drainage issues. March explained that because the water table is at two feet, the roadway will be raised three to four feet and drained to detention basins.

Concern was also expressed over isolated pockets of wetland, and Shanahan said these would be addressed at a meeting with ConsCom on Thursday.

Shanahan then asked that the Board give the applicant some direction, specifically regarding the maximum number of lots. Tice felt that 13 lots would be excessive and he was particularly interested in eliminating the lot requiring extensive wetland crossing. He was interested in the possibility of development using the conservation cluster option.

Epstein stated that many developers have recently threatened the Board with comprehensive permits, but he felt the Board should only focus on the plan before it. He stated that he is not inclined to grant any waivers to this plan.

Abend noted that waivers could only be granted if they are of benefit to the Town and allow for better project design.

Reid stated that the Planning Board is charged to protect the health, safety and welfare of the community and she will not grant any waivers to compromise these issues. She felt strongly about limiting development to ten lots.

Holzman understood that the donation of the wetland parcel is considered an exchange for a waiver of the cul-de-sac length. He was not sure if this would be a compelling reason for the PB to grant a waiver since the wetlands are completely unusable. Shanahan asked if the Town would be more interested in the plan if one buildable lot were donated. The Board did not feel it was in a position to negotiate in such a manner at this time.

Hara noted that the gift of the wetland might be a benefit to the Town even though it is wet. She felt it would be of greater value if this land were connected to the State Park or if the property were developed as a conservation cluster. She added that the Planning Board must uphold the rules and regulations.

Abend moved and Reid seconded a motion to continue the public hearing to June 14, 1999 at 9:15 p.m. The Board approved the motion 7-0.

At 11:25 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Recording Secretary